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Op-Ed Contributor**Scenes From Judge Sotomayor's Courtroom**

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IN nominating Sonia Sotomayor to fill Justice David Souter's seat on the Supreme Court, President Obama chose someone similar to himself in experience and intellect. What may surprise those who have read criticisms of Judge Sotomayor's personality on the bench — largely, descriptions of her by anonymous detractors as imperious and a “bully” — is that she also mirrors the president's measured temperament.

I have known the judge for 13 years, and found myself assisting her and sometimes at odds with her professionally. She hired me as a summer intern in her chambers when she served on the federal district court in New York in the 1990s. While that obviously makes me somewhat biased, I think two incidents from that time make the case for her temperament.

The first was a criminal trial she presided over in which the lawyers on both sides were inexperienced and made a number of strange decisions. One tried to hand the judge his exhibits and kept strolling up to the bench during his questioning, which is not typical courtroom behavior. As a former prosecutor, Judge Sotomayor was clearly perplexed, but she bent over backward to keep things running smoothly. After the verdict came in, she invited the lawyers to her chambers for a private conversation and spent at least an hour advising them on how to improve their trial and cross-examination skills.

On another occasion, I drafted some research for her that was not well written. When she discussed the memo with me, she started by saying, “You are too smart for me,” and proceeded to ask me a series of questions that I had not addressed. I realized later that this was her polite way of saying: “This isn't good. Do it over.” She could have said just that, but evidently decided that positive reinforcement was the way to go. This is exactly the kind of skill that a Supreme Court justice needs to persuade her colleagues, who tend to have powerful personalities and do not take criticism well.

A few years later, I was a law clerk to Judge Guido Calabresi on the United States Court of Appeals for the Second Circuit and observed Judge Sotomayor after her elevation to that court. There was one case in which I thought the state workers who took a child away from his father based on wrongful allegations should have been found negligent, and helped Judge Calabresi with his opinion to that effect. Judge Sotomayor took a different view of the facts given the extraordinary pressures that child welfare workers operate under. Yet while we disagreed, there was no question hers was a reasonable judgment informed by pragmatic considerations, which is exactly what we should expect to see from her on the high court.

As her nomination moves ahead, some who have appeared before her are offering criticisms. And, yes, it is fair to say that experienced lawyers who argued before her and were just not prepared got tough

questions. But a judge who does not probe a lawyer's case and expose its weaknesses is not doing her job. Besides, the Supreme Court is not made up of shrinking violets.

While many have discussed her underprivileged background as a strong point for her confirmation, I think that her experiences as a lawyer and a judge are more relevant. Plenty of judges can talk intelligently about trademarks, but few have actually strapped on a bulletproof vest and taken part in law-enforcement raids on gang warehouses filled with counterfeit merchandise, as she did when she was in private practice. Many judges are knowledgeable about labor law, but few have faced a labor decision as intense as her ruling in favor of the players that ended the 1995 Major League Baseball strike.

One result of her broad experience in many different fields is a distrust of abstraction. Indeed, her stint presiding over trials in district court will help the other justices, none of whom have done so, understand the implications of their rulings on everyday litigation and criminal sentencing.

I am a conservative, and I did not vote for President Obama. It is perfectly understandable for conservatives to say that they will not vote for anyone the president picks, but at that point the debate, if you can call it that, is over. For those of us who think that intellectual rigor and fairness are the crucial factors, no matter which party the president hails from, there is no question that Judge Sotomayor should be confirmed.

Chief Justice John Roberts said in his confirmation hearings that a judge should behave like an umpire. Now President Obama wants to give the court the judge who actually saved baseball.

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